

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

WALID EL SAYED, :

Plaintiff, :

- against - :

HILTON HOTEL CORP. et al., :

Defendants. :

- - - - -X

CHIN, D.J.

USDC SDNY
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ORDER

07 Civ. 11173 (DC)

By letter dated January 2, 2008, defendants requested a premotion conference to discuss the filing of a motion to dismiss certain claims asserted in the complaint. I conferenced the case on January 11, 2008. At the conference, Martin Streit, Esq., counsel for plaintiff, was not prepared to discuss the issues raised in defendants' January 2, 2008 letter. I gave Mr. Streit one week to consider whether he would withdraw any of plaintiff's claims, and to advise the Court by letter. By letter dated January 17, 2008, Mr. Streit asked for an additional week to respond, and by memorandum endorsement dated January 18, 2008, I granted his request for an additional week.

We have not heard from Mr. Streit since.

IT IS HEREBY ORDERED as follows:

1. Plaintiff's Title VII claims against the individual defendant Barbara Still is dismissed. See Tomka v. Seiler Corp., 66 F.3d 1295 (2d Cir. 1995), abrogated on other grounds by Burlington Indus., Inc. v. Ellerth, 524 U.S. 742 (1998).

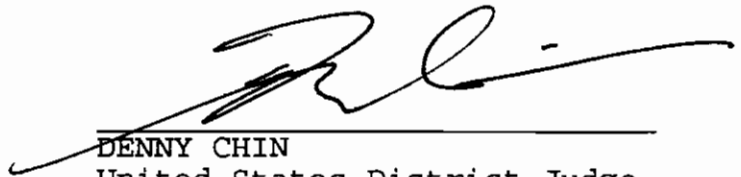
2. Plaintiff's claims under 42 U.S.C. § 1983 are dismissed, as plaintiff has not alleged that defendants acted under color of state law.

3. If defendants wish to move to dismiss any other claims, they may do so by February 27, 2008. Plaintiff's opposition papers shall be served and filed by March 19, 2008. Reply papers shall be served and filed by March 26, 2008.

4. If defendants do not wish to move to dismiss, they shall advise the Court accordingly and answer the complaint by February 27, 2008. At that time, the Court will set a discovery schedule.

SO ORDERED.

Dated: New York, New York
February 6, 2008



DENNY CHIN
United States District Judge